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February 22, 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA MESSENGER

Magalie Roman Salas
Secretary
Federal Communications Commission
455 12th Street, S.W.
Washington, DC 20554

**Re: Reply Comments of Channel 6, Inc.
MM Docket No. 99-325**

Dear Ms. Salas:

On behalf of Channel 6, Inc., licensee of television station KCEN, Temple, Texas, I am transmitting herewith an original and four (4) copies of Reply Comments for filing in the above captioned proceeding.

Should there be any questions please do not hesitate to contact the undersigned.

Sincerely,


Kenneth C. Howard, Jr.

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)
)
Digital Audio Broadcasting Systems)
And Their Impact On the Terrestrial Radio)
Broadcast Service.)

MM Docket No. 99-325

REPLY COMMENTS OF CHANNEL 6, INC.

I. INTRODUCTION

Channel 6, Inc., licensee of station KCEN-TV (NTSC Ch. 6/DTV Ch. 50) in Temple, Texas, submits these reply comments on the Commission's Notice of Proposed Rulemaking in the above-captioned docket, released November 1, 1999 (the "*Notice*"). In the *Notice*, the Commission sought comments on three alternative approaches for implementing Digital Audio Broadcasting ("DAB") technology in the United States. The first is the In Band, On-Channel ("IBOC") model. In this model, analog and digital signals would be broadcast simultaneously on the current AM and FM bands. The second is the new spectrum model. In this model, the Commission would reallocate the spectrum that is presently assigned to television Channel 6 for DAB. The third alternative would involve implementing some combination of the IBOC model and the new spectrum model.

Channel 6, Inc. supports the IBOC DAB model and urges the rejection of any alternative model that would reallocate Channel 6 spectrum from its current use by television broadcasters for DAB use or any other use suggested by the commenters.

II. IBOC IS THE MOST EFFICIENT MODEL FOR IMPLEMENTING DAB

Channel 6, Inc. agrees with the majority of commenters that an IBOC DAB system would provide the public with the quickest transition to DAB while creating the least amount of disruption to existing spectrum holders. It further agrees with the National Association of Broadcasters ("NAB") that the Commission's *Notice* itself indicates that the new spectrum model should not be seriously considered as long as the IBOC DAB model "holds great promise".¹

The new spectrum proposal would also significantly delay the implementation of DAB services, because the spectrum that is presently allocated to Channel 6 would not be available for DAB use until 2007 or later.²

III. CHANNEL 6 COULD NOT ACCOMMODATE ALL DAB BROADCASTERS

One of the serious problems with using Channel 6 spectrum is that it could only accommodate a small fraction of all existing radio licensees. Therefore, if a new spectrum model must be used, the Commission should find spectrum that would accommodate all existing radio licensees. Channel 6, Inc. agrees with commenters such as Greater Media who point out that to do otherwise would create two classes of DAB service and would create major confusion among listeners.

IV. CHANNEL 6 SPECTRUM IS UNIQUELY SUITED FOR TELEVISION USE

The reallocation of Channel 6 for DAB use would result in the displacement of 60 full-power and 172 low-power television stations.³ The implementation of Class A LPTV services will only serve to increase the congestion and the interference in these areas. Any decrease in

¹ NAB comments at 5, *Notice* at ¶19.

² *Id.*

³ KW-TV, Inc. comments at 1.

spectrum allocated to television stations would have a serious negative effect on KCEN-TV and all broadcasters in these areas and would not be in the public interest.

The Association for Maximum Service Television, Inc. and Certain Channel 6 Licensees ("Joint Broadcasters") point out in their comments that the lower VHF channels, including Channel 6, are particularly well suited for television broadcast services. They can offer wider coverage over more difficult terrain with much less interference than UHF channels. Because they operate more efficiently at lower power, they are also able to operate at one-fourth the annual cost of UHF stations.⁴

As Hearst-Argyle Television correctly points out in its comments, the lower VHF channels, including Channel 6, were specifically made part of the core DTV spectrum by the Commission because of their propagation characteristics, the desire to reduce channel moves and the desire to increase competition and diversity in DTV service.⁵ For the Commission to now consider removing Channel 6 from the DTV spectrum creates serious questions about the Commission's commitment to its other DTV spectrum allocations.

Because of the unique characteristics of the lower VHF spectrum, KCEN-TV and other Channel 6 broadcasters are able to provide television service to a large number of television viewers that cannot be reached by UHF stations. The increased costs of operating on less desirable spectrum would likely drive some of these television broadcasters out of business and would, at a minimum, harm KCEN-TV's and others' ability to serve the viewing public. Therefore, it is in the public interest to retain this spectrum for free over-the-air broadcast television use. In this regard, it is noted that KCEN-TV is located in the 95th market, on the

⁴ Joint Broadcasters comments at 3-4.

⁵ Hearst-Argyle comments at 4.

fringes of the Dallas, Houston and Austin markets and thus it confronts severe economic competition throughout its service area.

V. CHANNEL 6 ANALOG LICENSEES SHOULD HAVE THE OPTION OF RETURNING TO CHANNEL 6 AFTER THE DTV TRANSITION.

All current analog broadcasters have the option of moving their digital service to their analog channels after the transition. Several commenters noted that many Channel 6 broadcasters, have already decided that they will chose this option for the above-discussed technical and economic reasons. KCEN-TV expects to make this choice, and many other Channel 6 broadcasters undoubtedly will also choose this option before the end of the DTV transition. Therefore, it is in the public interest that the Channel 6 spectrum should remain available for that use.

As the Joint Broadcasters point out, "if moving back or transitioning to digital on Channel 6 is no longer an option for them, the Commission would be required to find them alternative channels elsewhere--channels that could be suboptimal because of interference and other constraints."⁶

VI. A COMBINATION IBOC AND NEW SPECTRUM MODEL WOULD NOT BE IN THE PUBLIC INTEREST.

The Commission hints in the *Notice* that "the IBOC and new-spectrum DAB options need not be mutually exclusive."⁷ As the Joint Broadcasters correctly observe, the only reason to adopt both proposals would be to take away Channel 6 spectrum to add new analog radio stations, not to implement DAB.⁸ In fact, National Public Radio ("NPR") makes exactly that

⁶ Joint Broadcasters comments at 7.

⁷ *Notice* at ¶41.

⁸ Joint Broadcasters comments at 10.

proposal in its comments. Replacing existing Channel 6 television spectrum with more analog radio spectrum would not be in the public interest and would do nothing to further the advancement of DAB technology. It would cause serious and irreparable harm to Channel 6 television broadcasters.

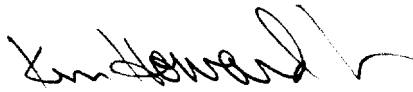
VII. CONCLUSION

Channel 6, Inc. and the vast majority of commenters agree that the IBOC DAB model is the most technically feasible and that it is the model that will help implement DAB technology most rapidly and efficiently.

Channel 6, Inc. and the vast majority of commenters also agree that the use of Channel 6 spectrum for the implementation of DAB technology would greatly delay the onset of DAB broadcasting and would cause great harm to Channel 6 television broadcasters.

Accordingly, Channel 6, Inc. urges the Commission to reject any proposal that would reallocate the spectrum presently assigned to Channel 6 television broadcasters for DAB or any other use.

Respectfully Submitted



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